IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

WP(C).No. 6159 of 2006(G)

PETITIONERS:

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1. **S. RAVEENDRAN, HEAD CLERK,**
   OFFICE OF ASSISTANT COMMISSIONER (AUDIT ASSESSMENT) DESPARTMENT OF COMMERCIAL TAXES, KOLLAM.

2. **K.K. MADHAVAN PILLAI, HEAD CLERK**
   OFFICE OF DEPUTY COMMISSIONR
   DEPARTMENT OF COMMERCIAL TAXES, KOLLAM.

3. **M. BALACHANDRAN, HEAD CLERK,**
   OFFICE OF COMMERCIAL TAX OFFICER,
   IIIRD CIRCLE, DEPARTMENT OF COMMERCIAL TAXES, KANNUR.

BY ADV. SRI.D.SOMASUNDARAM

RESPONDENTS:

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1. **STATE OF KERALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, TAXES DEPARTMENT, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE COMMISSIONER, COMMERCIAL TAXES, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI.P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.6159/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER DT.15.6.05 OF THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE ORDER NO.A3.600/04/TX DT. 21.7.04 OF THE JOINT COMMISSIONER – I, COMMERCIAL TAXES DEPARTMENT, THIRUVANANTHAPURAM.

EXT.P3:- COPY OF THE NOTIFICATION OF THE GOVERNMENT OF KERALA GO(P) NO.25/03 P & ARD DT.21.8.03.

EXT.P4:- COPY OF THE FINAL SENIORITY LIST OF U.D.CLERKS FROM 1.1.1996 TO 31.3.99 PUBLISHED IN THE DEPARTMENT.

EXT.P5:- COPY OF THE ORDER DT.13.2.06 OF THE 2ND RESPONDENT.

EXT.P6:- COPY OF THE REPRESENTATIONS SUBMITTED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT. DT.13.2.06.

/TRUE COPY/

tss

K.K.DENESAN, J.

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WP(C).No.6159 OF 2006-G.

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Dated this the 6th day of February, 2007.

J U D G M E N T

The petitioners are Head Clerks in the Commercial Taxes Department. It is contended that they have completed 50 years of age and 25 years of service and therefore entitled to get exemption from qualification in terms of Rule 13(B) of K.S. & S.S.R., for the purpose of promotion to the next higher post ie., Assistant Sales Tax Officer/Sales Tax Inspector. Counsel for the petitioner submits that there are vacancies in the higher posts and if the representations filed by the petitioners are considered in the light of the statutory provision referred to above, the petitioners are likely to be promoted. Hence there shall be an order directing the 2nd respondent to consider Ext.P6 (series) of representations filed by the petitioners and pass orders thereon as expeditiously as possible, in any event, within three weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

K.K.DENESAN, JUDGE.

kvs/-